

CHAPTER: XVII SANCTIONS	SECTION: 2 WORK REQUIREMENTS	COMAR: 07.03.03.15
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REQUIREMENTS

- A. Work requirement sanctions of active cases are either full-family or individual
 1. Impose full-family sanctions if a non-exempt adult fails to comply with the agreed upon work plan
 - In a 2-parent family, impose a sanction whenever either or both non-exempt parents fail to comply with work requirements
 2. Impose individual sanctions if a non-exempt child (aged 16 or 17, not head of household, and not in school) fails to comply with work requirements
 - School can be the work requirement
- B. Lift the sanction when the individual complies with work requirements as follows:
 1. First instance:
 - Immediately
 2. Second instance:
 - After compliance for 10 calendar days
 3. Third and subsequent instances:
 - After compliance for 30 calendar days
- C. If a non-exempt person in an active case fails to comply with work requirements, the case manager:
 1. Follows the 30-day conciliation process
 2. Investigates whether good cause exists
 3. Imposes a full-family (adults) or individual (children) sanction if good cause does not exist

Note: If a sanction is imposed, treat the entire TCA amount or the individual's share, respectively, as phantom income for the food stamp case.

Note: All cases must be screened for family violence prior to applying a sanction. Document the family violence screening in the case record.

Note: If an individual does not participate in a substance abuse program that is the work activity, apply the substance abuse sanction and assist the individual to find a new work activity. Apply the work sanction only if the individual does not comply with the new work activity.

FULL-FAMILY SANCTIONS

- A. If a case is closed for a month or more, due to an adult's sanction for failure to comply with work requirements without good cause, treat the family the same as any new applicant for assistance
- B. If the family reapplies and is otherwise eligible
 - 1. They must comply with the work requirements before the case manager can lift the sanction
 - 2. If the individual adult complies within the first non-payment month of the sanction, pay a full benefit for that month, but:
 - Pay benefits only after lifting the sanction

INDIVIDUAL SANCTIONS

- A. If a non-exempt child does not comply with work requirements and is sanctioned, remove the child's needs from the TCA benefits
- B. To determine the new cash benefit subtract the total benefits for the household size without the non-exempt child from the total benefits for the household including the non-exempt child
 - 1. The TCA benefit is the amount for the smaller size assistance unit
 - 2. The difference is the phantom income for food stamps

GOOD CAUSE AND EXEMPTIONS

- A. When discussing the reasons for non-compliance, the case manager determines whether good cause or an exemption exists
 - 1. The local department may design their own good cause investigation process but must give customers the opportunity to claim good cause whether or not it is during the conciliation period

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2. If the possibility of good cause is not investigated or the investigation results are not documented in the case record, the local department risks an overturned sanction at an appeals fair hearing
- B. Good cause for not complying with work requirements includes:
1. Properly documented illness or incapacity
 2. Breakdown in transportation arrangements when there is no other accessible means of transportation
 3. Breakdown in child care arrangements or lack of child care resources
 4. Verified court-required appearance or temporary incarceration
 5. Domestic violence or other family crisis that threatens normal family functioning
 6. Lack of supportive services identified in the original assessment and agreed upon by the customer and the local department
 7. Lack of available child care for a single parent with a child under 6
 8. An assignment requiring more than 30 hours per week if the customer is a parent or other relative personally providing care for a child younger than 1 year old
 - This good cause reason can be applied only once and only for the first child
- C. Exemptions from participation in work requirements include:
1. The individual is required to care for a child in the assistance unit under age 1
 - This exemption reason can be applied only once and only for the first child, but if it is only partially used, the remainder may be applied to the same child when, for example, a case is closed after 3 months and reopened
 2. The individual is severely disabled
 3. The individual is needed in the home to care for a severely disabled family member
 4. Children under 16
 5. Children 16 to 18 enrolled full-time in school

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6. Adults and children, aged 16 or 17 and not in school, working 30 or more hours per week and earning at least minimum wage
7. Victims of family violence at the family violence expert's recommendation

Note: Adults who reach 24 months of cumulative federal TCA and are not disabled cannot use the exemptions and good cause reasons listed above except lack of child care and family violence. This exception applies only to single parents caring for a child under 6 who lack child care because of unreasonable distance, the unsuitability of formal or informal child care, and/or they cannot afford formal child care.

- D. Non-cooperation issues may be resolved without sanction if:
 1. Customers verify that good cause or an exemption exists before a NOAA is sent, either during the conciliation period or any subsequent instance of non-cooperation, then:
 - Record no instance of sanction and impose no sanction
 2. The customer verifies compliance prior to a NOAA being sent, then:
 - Record no instance of sanction and impose no sanction
- E. Lift sanctions for non-compliance with work requirements without good cause and end the penalty period without actual compliance by the individual in only one circumstance
 1. The individual who failed to comply subsequently had net earnings from a job in excess of the monthly TCA benefit the household received prior to the sanction
 2. Calculate the net income by subtracting 20% of the gross earned income from the gross and subtracting allowable child care expenses from the initial result

TRANSITIONAL ASSISTANCE

- A. Transitional assistance may be available, at the discretion of the local department, to an assistance unit (AU) if TCA was terminated because an adult failed to comply with work requirements
- B. If the local department provides transitional assistance, a third-party payee receives, on behalf of the AU, the benefits that would have been paid directly to the family for up to 3 months

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- C. Give priority for transitional assistance to AUs with an:
1. Active child protective service case
 2. Active intensive family service case
 3. Adult member who is disabled
 4. Adult member who is illiterate, or
 5. Adult member who is not fluent in English if notices are not translated into the individual's language

FOOD STAMPS

- A. If the TCA case is closed because of a full-family work requirement sanction or reduced because of an individual work requirement sanction, base food stamps on:
1. The TCA income (phantom income)
 2. Any other income the household members received prior to the sanction used to determine financial eligibility which they still receive
- B. Customers whose TCA case was denied, closed, or reduced must still meet the Food Stamp Employment and Training (FSET) requirements

Note: If the TCA case is denied for failure to comply with work requirements, process the food stamp application without phantom income and pay benefits to all eligible household members.

MEDICAL ASSISTANCE

- A. If caretaker relatives with children of their own in the AU do not cooperate with work requirements without good cause and the TCA case is sanctioned (closed), the:
1. Caretaker relative and her children in the assistance unit remain eligible for MA until the date the TCA certification period would have ended had the sanction not been imposed
 2. Other related children in the home of the caretaker relative remain eligible for TCA and Medical Assistance, but only remain eligible for Food Stamps if the caretaker relative is eligible

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- B. If the 16 to 17-year-old child not in school does not cooperate with work requirements without good cause
1. The TCA benefit is sanctioned (reduced to exclude that child's needs), and
 2. The child remains eligible for MA along with the rest of the family until the date the TCA MA tag-along case certification period would have ended had the sanction not been imposed

Note: If a TCA application is denied because of an adult's non-cooperation with work requirements without good cause, the entire assistance unit may be eligible for MA.

EXAMPLES

1. Full-Family Sanction

A mother and her 10-year-old child receive TCA benefits. Mom fails to comply with work requirements for the first time.

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| October 8 | The case manager sends a letter to mom and begins investigating the reason for non-compliance |
| October 15 | The case manager makes a follow up phone call and mom says she has no intention of complying, so a Notice of Adverse Action (NOAA) is sent, her first instance of sanction |
| December 1 | The sanction goes into effect because it is the first day of the month following the end of the 30-day conciliation period on November 7 |
| December 11 | Mom indicates she is willing to participate in work requirements |
| December 16 | Mom complies with work requirements and full benefits are paid for December |

2. Individual Sanction

Dad and 2 children, aged 7 and 16, receive TCA benefits. The 16-year-old is not in school and fails to comply with work requirements.

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| October 26 | The case manager sends a letter of conciliation to dad and begins investigating the reason for non-compliance. |
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October 29 The case manager makes a follow up phone call and the child says he is not going to comply. Also, dad fails to respond to phone messages. A NOAA is sent to dad (head of household)

December 1 The sanction goes into effect and the new benefit amount is \$313 - the difference between the maximum amount for an AU of 3 (\$399) and AU of 2 (\$313) is \$66, the phantom income for food stamp purposes

3. Lifting Sanctions without Technical Compliance

Mrs. Salisbury failed, without good cause, to comply with work requirements. The TCA case was closed but the food stamp case remained open with a phantom income of \$399 (maximum benefit amount for a 3-person family). Subsequently, she reported a job with biweekly earnings of \$500. Her monthly child care cost is \$150. Calculate her net monthly income as follows:

2 x biweekly income of \$500 = \$1,000 gross monthly income

20% of the gross (\$200)

\$1,000 less \$200 = \$800 less child care costs of \$150 = \$650 net income

Since the net earnings exceed the TCA amount she would have been receiving, the penalty period ends and earned income is the only countable income

4. Lifting 3rd Instance Sanctions in Less Than 30 Calendar Days

Mrs. Upperco failed, without good cause, to comply with work requirements and a 3rd sanction was imposed. 5 days after the sanction was imposed, she reported she broke her leg the day before. The hospital faxed verification to the case manager. Since Mrs. Upperco's status changed from non-compliance to good cause for not cooperating with work requirements, the case manager lifts the sanction before the 30 days pass.

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ADDITIONAL INFORMATION

- Application — Family Violence
- Work and Education — Basic Requirements
- Payees — Third Party Payees
- Sanctions — Conciliation Process